

Michael Delikat (MD 1165)
James H. McQuade (JM 0788)
ORRICK, HERRINGTON & SUTCLIFFE LLP
666 Fifth Avenue
New York, New York 10103
Telephone: (212) 506-5000

Attorneys for Defendants Wyeth Pharmaceuticals, a
Division of Wyeth, Walter Wardrop, and Michael
McDermott

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (RCC) (DFE)

**DECLARATION OF KEVIN
COSTELLO IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, Kevin Costello, declare:

1. I am employed by Wyeth Pharmaceuticals, a Division of Wyeth ("Wyeth"), as a Director of Operations Planning. I make this declaration based on my own personal knowledge.
2. In December 2001, while I was employed by Wyeth as a Department Head of Engineering Support at Wyeth's Pearl River facility, I was responsible for hiring an individual for a Project Engineer position. This vacant position was announced through Wyeth's job posting system.

3. Several individuals, including Howard Henry, were interested in this position. I selected Cara Muscolo for this position because I felt she was the best candidate for the job. First, based on my prior experience with Ms. Muscolo, I had confidence that she would perform this job well. Ms. Muscolo had worked for me at Wyeth in the past, and, we had worked well together, and she had done her job well. In addition, Ms. Muscolo had significant experience in the packaging area, which was something I felt was important for this particular position. She previously had held positions as a Packaging and Manufacturing Supervisor at Wyeth.

4. Mr. Henry did not have the packaging experience that Ms. Muscolo had. In addition, he had not gained my confidence as Ms. Muscolo had. At the time Mr. Henry applied for this position, he was working on a project I was overseeing. Mr. Henry did not demonstrate that he was able to handle multiple tasks on the project, and I was not impressed by his job performance.

5. Mr. Henry's race played no role in my hiring decision.

Executed on October 20, 2006 at Upper Nyack, New York.

I declare under penalty of perjury that the foregoing is true and correct.

Kevin Costello 10/20/06

Kevin Costello